

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 9, 2005**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit – Building Addition for the Lynchburg Daily Bread in an R-2, Low-Medium Density Residential District, 721 Clay Street.**

RECOMMENDATION: Approval of the requested Conditional Use Permit.

SUMMARY: Lynchburg Daily Bread is petitioning for a Conditional Use Permit at 721 Clay Street to allow the construction of a building addition to be used for food preparation and storage in an R-2, Low-Medium Density Residential District. The Planning Commission recommended approval of the Conditional Use Permit because:

- Petition agrees with the *Comprehensive Plan* which recommends a Traditional Residential use for the subject property.
- Petition agrees with the Zoning Ordinance in that care centers are permitted in residential districts upon approval of a Conditional Use Permit by the City Council.

PRIOR ACTION(S):

July 13, 2005: Planning Division recommended approval of the CUP petition.
Planning Commission recommended approval (5-0) with 2 members absent (Mr. Richard Worthington and Ms. Laura Hamilton) of the CUP with the following conditions:

1. The property shall be developed in substantial compliance with the site plan originally submitted June 2, 2005 and revised June 30, 2005.
2. Any exterior lighting shall be glare-shielded or directed to prevent illumination beyond the property line.
3. The building addition shall comply with the building code as determined by the Building Official.
4. The exterior finishes of the building will match those of the existing structure.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Response to TRC Requests
- Architectural Rendering
- Speaker Sign-Up sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG DAILY BREAD TO ALLOW THE CONSTRUCTION OF A PANTRY AND FOOD PREPARATION BUILDING ADDITION ON THE PROPERTY AT 721 CLAY STREET IN AN R-2, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG THAT THE PETITION OF LYNCHBURG DAILY BREAD FOR A CONDITIONAL USE PERMIT FOR USE OF THE PROPERTY AT 721 CLAY STREET IN AN R-2, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT TO CONSTRUCT A PANTRY AND FOOD PREPARATION BUILDING ADDITION BE, AND THE SAME IS HEREBY, APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The property shall be developed in substantial compliance with the site plan originally submitted June 2, 2005 and revised June 30, 2005.
2. Any exterior lighting shall be glare-shielded or directed to prevent illumination beyond the property line.
3. The building addition shall comply with the building code as determined by the Building Official.
4. The exterior finishes of the building will match those of the existing structure.

Adopted:

Certified:

Clerk of Council

103L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: July 13, 2005
Re: **CONDITIONAL USE PERMIT (CUP): Building Addition for the Lynchburg Daily Bread in an R-2, Low-Medium Density Residential District, 721 Clay Street.**

I. PETITIONER

Lynchburg Daily Bread, 721 Clay Street, Lynchburg, VA 24504

Representative: Mr. Tom Gerdy, Gerdy Construction Company, 1022 Commerce Street, Suite 2A, Lynchburg, VA 24504

II. LOCATION

The subject property is approximately eleven hundredths (0.11) of an acre and is located at 721 Clay Street, on the corner of Clay and Eighth Streets.

Property Owner: Lynchburg Daily Bread, 721 Clay Street, Lynchburg, VA 24504

III. PURPOSE

The purpose of this petition is to allow for construction of a pantry and food preparation addition for the Lynchburg Daily Bread.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, which recommends a Traditional Residential use for the subject property.
- Petition agrees with the Zoning Ordinance in that care centers are permitted in residential districts upon approval of a Conditional Use Permit by the Planning Commission and the City Council.
- Petition proposes a single-story addition with a basement to the existing Lynchburg Daily Bread building. The addition will be constructed at the rear of the building and used for additional food storage and food preparation.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Future Land Use Map* recommends a Traditional Residential use for the area. This land use category has been applied to the City's older neighborhoods, generally built before World War II and before the City was zoned. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map and are planned for further study for appropriate zoning changes, public investment and community building efforts. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments.
2. **Zoning.** The subject property was annexed into the City in 1852. The existing R-2, Low-Medium Density Single Family Residential, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. The activities of the Lynchburg Daily Bread are considered a "care center" by the Zoning Ordinance. Sec. 35.1-11.4 (d) of the Zoning Ordinance defines a "care center" as "A day nursery, nursery school, day camp, summer camp or other place where reception or care is provided with or without compensation, of persons of any age and the primary use of the facility where said reception or care is provided is not a residence". Webster's Third New International Dictionary states that one of the definition of "care" is to "provide for or attend to needs or perform necessary personnel services".
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the project as proposed.

4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
- On October 14, 2003, Lynchburg City Council approved St. Paul's Episcopal Church's CUP petition for an eighteen (18) space parking lot addition at 612 and 616 Madison Street.
 - On May 13, 2003, Lynchburg City Council approved Central City Home's petition to rezone twenty-nine hundredths (0.29) of an acre from R-2 Low-Medium Density Single-Family Residential District to R-4 Medium-High Density Multi-Family Residential District for the conversion of an existing residence into three apartments at 717 Madison Street.
 - On July 9, 2002, Lynchburg City Council approved St. Paul Episcopal Church's CUP petition to allow for an existing structure to be used as a child care facility, ages two and a half (2 ½) to four (4), for up to fifteen (15) children in an R-2 Low-Medium Density Single-Family Residential District at 620 Madison Street.
 - On June 13, 1995, Lynchburg City Council approved Holy Cross Catholic Church's CUP petition to for the construction of a three-story multi-purpose addition at 710 Clay Street.
 - On June 14, 1994, Lynchburg City Council approved Joseph A. and Brenda E. Sanzone's petition to rezone twenty-eight hundredths (0.28) of an acre from R-2 Low-Medium Density Single-Family Residential District to B-1(C), Limited Business District (Conditional) to allow the construction of an addition to the existing law office and additional parking spaces at 707 Clay Street.
 - On February 10, 1987, Lynchburg City Council approved Holy Cross Catholic Church's CUP petition for the construction of a building addition and associated parking at 710-720 Clay Street.
5. **Site Description.** The subject property is bounded to the north by a combination of single-family residential and institutional uses, to the south by a combination of residential and public uses, to the east by single-family residential homes and to the west by public and office uses.
6. **Proposed Use of Property.** The purpose of the conditional use permit petition is to allow for the construction of an addition to the existing Lynchburg Daily Bread building. The single-story addition is to be constructed at the rear of the building with the basement level to be used as a pantry and the main level to be used as a food preparation area.
7. **Traffic and Parking.** The City's Traffic Engineer had no comments on the proposed conditional use permit application. No additional off-street parking is required for the building addition.
8. **Storm Water Management.** New impervious areas will not exceed the one thousand (1000) square foot threshold for disturbance. A stormwater management plan is not required for this project.
9. **Emergency Services.** The City's Fire Marshal questioned the location of the range hood exhaust system and an existing gas line relative to the location of the building addition. The petitioner responded within his response letter that the exhaust hood will be modified to accommodate the addition. In a follow-up conversation with the representative, Mr. Gerdy did not expect the existing gas line to be an issue for the construction but provided that regardless, that both the exhaust hood and gas line would be modified to meet the requirements of the City's Building Code.

The Police Department had no comments on the proposed conditional use permit application.

10. **Impact.** The Lynchburg Daily Bread is a non-profit organization that boasts the slogan "feeding the hungry since 1982". A Christian ministry, the Daily Bread is a "Soup Kitchen" whose goal is to nourish its guests spiritually as well as physically. Most guests at Daily Bread come in daily and for many, it's the only meal they will have that day.

The petitioner proposes a thirteen foot, six inch (13' 6") by twenty foot (20') building addition that will require only three hundred and fifty (350) square feet of land disturbance. The construction of the addition will help clean up the area at the rear of the existing building by replacing a weedy, unkempt area with an addition that matches the current architectural treatment of the building. The only encroachment within the existing rear setback of property will be the relocation of stairway to the back of the building.

The need for extra food storage space and an additional food preparation area has prompted the petitioner to request a Conditional Use Permit to build a single-story, two hundred seventy (270) square foot building

addition with a basement. If approved, the exterior finishes of the building will match those of the existing structure and no additional utility connections are planned. The petitioner will be required to modify the existing exhaust system and gas line to meet the requirements of the City's Building Code. Lighting at the rear corner of the building will be directed so as not to affect neighboring properties.

The City's Traffic Engineer had no comments on the proposed conditional use permit application. No additional off-street parking is required for the building addition since it will not increase the enrollment of the Lynchburg Daily Bread.

New impervious areas will not exceed the one thousand (1000) square foot threshold for disturbance. Since the total disturbed area will only be about three hundred and fifty (350) square feet for the project, neither a stormwater management plan nor an erosion and sediment control plan are required for this project.

The City's Fire Marshal had no additional comments other than those which will be addressed by requirements of the City's Building Code. The Police Department had no comments on the proposed conditional use permit application.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on June 21st, 2005. Comments related to the proposed plan were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDED MOTION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the Conditional Use Permit for the construction of a Building Addition to the Lynchburg Daily Bread in an R-2, Low-Medium Density Residential District, at 721 Clay Street.

1. The property shall be developed in substantial compliance with the site plan originally submitted June 2nd, 2005 and revised June 30, 2005.
2. Any exterior lighting shall be glare-shielded or directed to prevent illumination beyond the property line.
3. The building addition shall comply with the building code as determined by the Building Official.
4. The exterior finishes of the building will match those of the existing structure.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. G. Wayne Cyrus, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official

Mr. Kent White, Senior Planner
Ms. Erin Bryant, Environmental Planner
Mr. Tom Gerdy, Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern
(see attached map)
2. Vicinity Proposed Land Use
(see attached map)
3. Site Plan
(see attached site plans)
4. Response to TRC Requests
5. Architectural Rendering

MINUTES FROM THE JULY 13, 2005 PLANNING COMMISSION MEETING

Petition of the Lynchburg Daily Bread for a Conditional Use Permit at 721 Clay Street to allow the construction of a building addition in an R-2, Low-Medium Density Residential District.

Mr. Tom Gerdy, 3555 Round Hill Road, Lynchburg, represented the petition for Lynchburg Daily Bread. Mr. Gerdy explained that the Daily Bread representatives wanted to build a small addition to their existing building, which would include a basement. He said the addition would give them a larger area to prepare food, and the basement would provide additional storage for large donations. He added that no kitchen equipment would be moved or added to the structure.

Commissioner Flint asked if the addition would tie into the kitchen and the dining area, and if the back doors shown on the plan were required.

Mr. Gerdy explained that the addition would only tie into the kitchen. He added that by building the addition, the director of Daily Bread would be able to move her office into the old pantry area in order to help clients deal with personal issues in a private way. He said the back doors were not required by the City Building Code, but provided an additional way out of the building if needed.

After discussion, Commissioner Pulliam made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to City Council approval of the Conditional Use Permit for the construction of a building addition to the Lynchburg Daily Bread in an R-2, Low-Medium Density Residential District, at 721 Clay Street.

1. The property shall be developed in substantial compliance with the site plan originally submitted June 2nd, 2005 and revised June 30, 2005.
2. Any exterior lighting shall be glare-shielded or directed to prevent illumination beyond the property line.
3. The building addition shall comply with the building code as determined by the Building Official.
4. The exterior finishes of the building will match those of the existing structure.”

AYES:	Bacon, Barnes, Dahlgren, Flint, Pulliam	5
NOS:		0
ABSTENTIONS:		0
ABSENT:	Hamilton, Worthington	2

LYNCHBURG DAILY BREAD

#721 Clay Street
Val. Map # 024-37-008
Conditional Use Permit Request
Petitioner: Lynchburg Daily Bread, Inc.

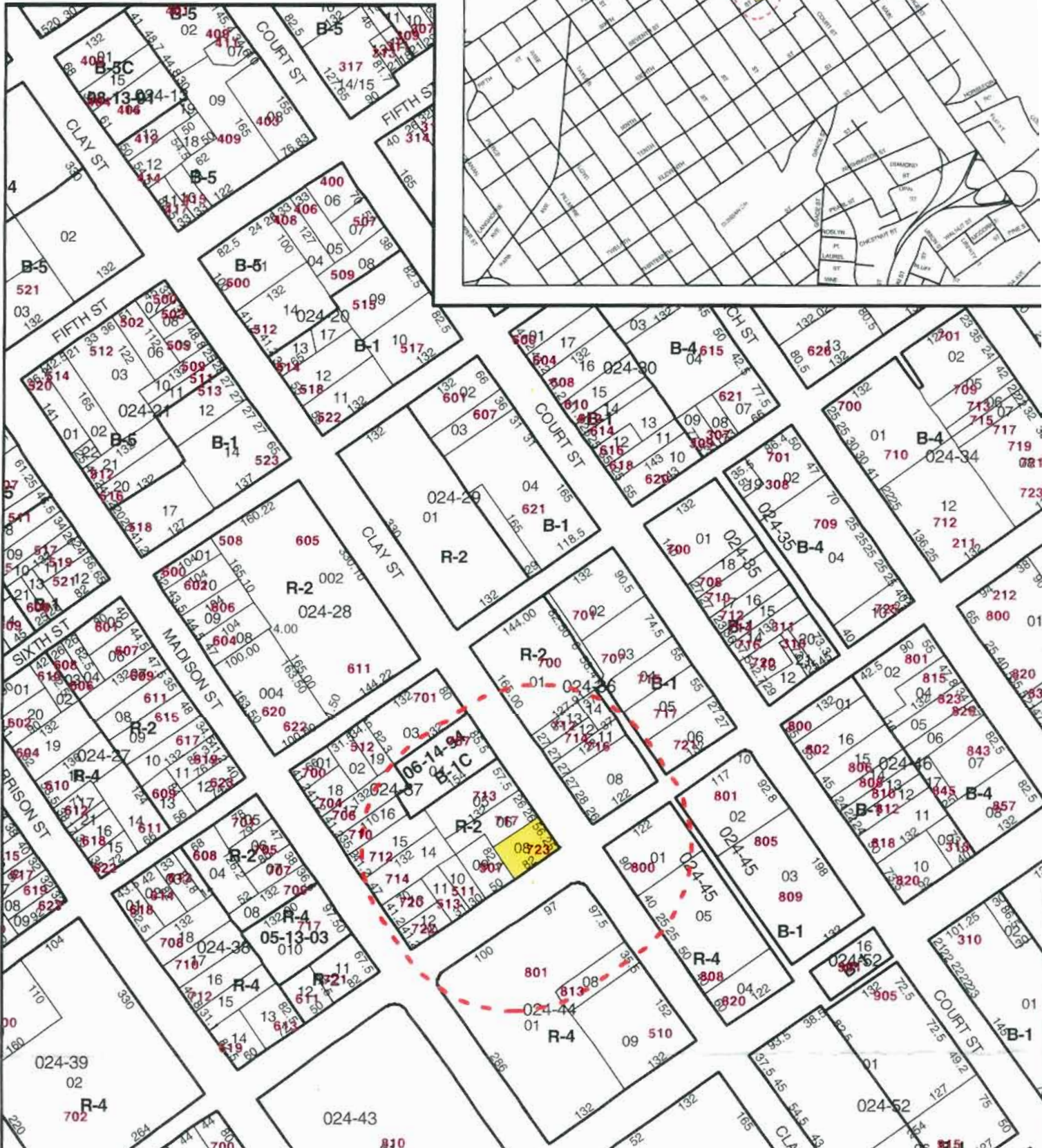
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property

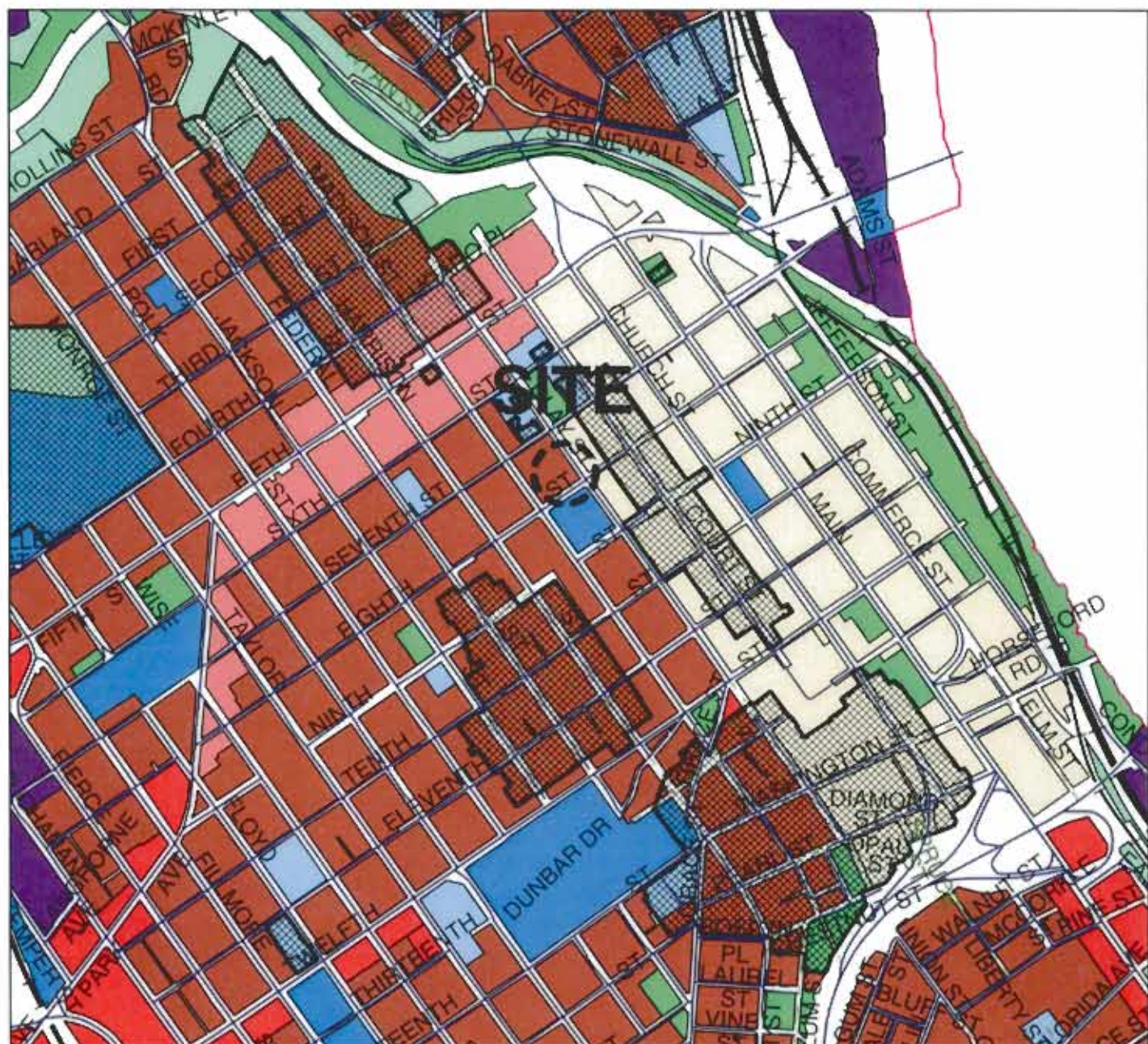


200 ft Radius



LYNCHBURG DAILY BREAD
721 Clay Street

PIN	OWNER
2437016	CABLER GARLON W
2444008	CITY OF LYNCHBURG C/O STEVE LAWSON
2437015	COBBINS ALEASE V
2437012	COLES BESSIE MAE
2437014	GREEN JAMES W & KAY B
2437009	HAMLET JACQUELINE E
2437005	HICKEY WILLIAM F III
2437017	LANGHORNE WILLIAM D
2445002	LEHMAN KENNETH A ESQ
2437008	LYNCHBURG DAILY BREAD INC
2436006	MARTIN JAMES H
2437011	MCCOY ALBERT L & MABEL C
2436005	MCRORIE WILLIAM E
2437019	PATTERSON GONZELLA V R LIFE ESTATE ANDREWS BA & DOUGLAS RC
2437010	POWELL GREGORY
2437004	SANZONE JOSEPH A & BRENDA B
2437006	SINGLETARY MARISSA
2437003	ST PAULS EPISCOPAL CHURCH TRS
2436011	SULLIVAN WALTER F THE MOST REVEREND C/O REV CHARLES E FERRY
2437013	WILDER MARTHA M



LYNCHBURG DAILY BREAD

#721 CLAY STREET

LAND USE PLAN



Lynchburg Daily Bread
721 Clay Street
Lot 56'x82'

Addition - 13'6"x20' for kitchen prep. area

Storage below

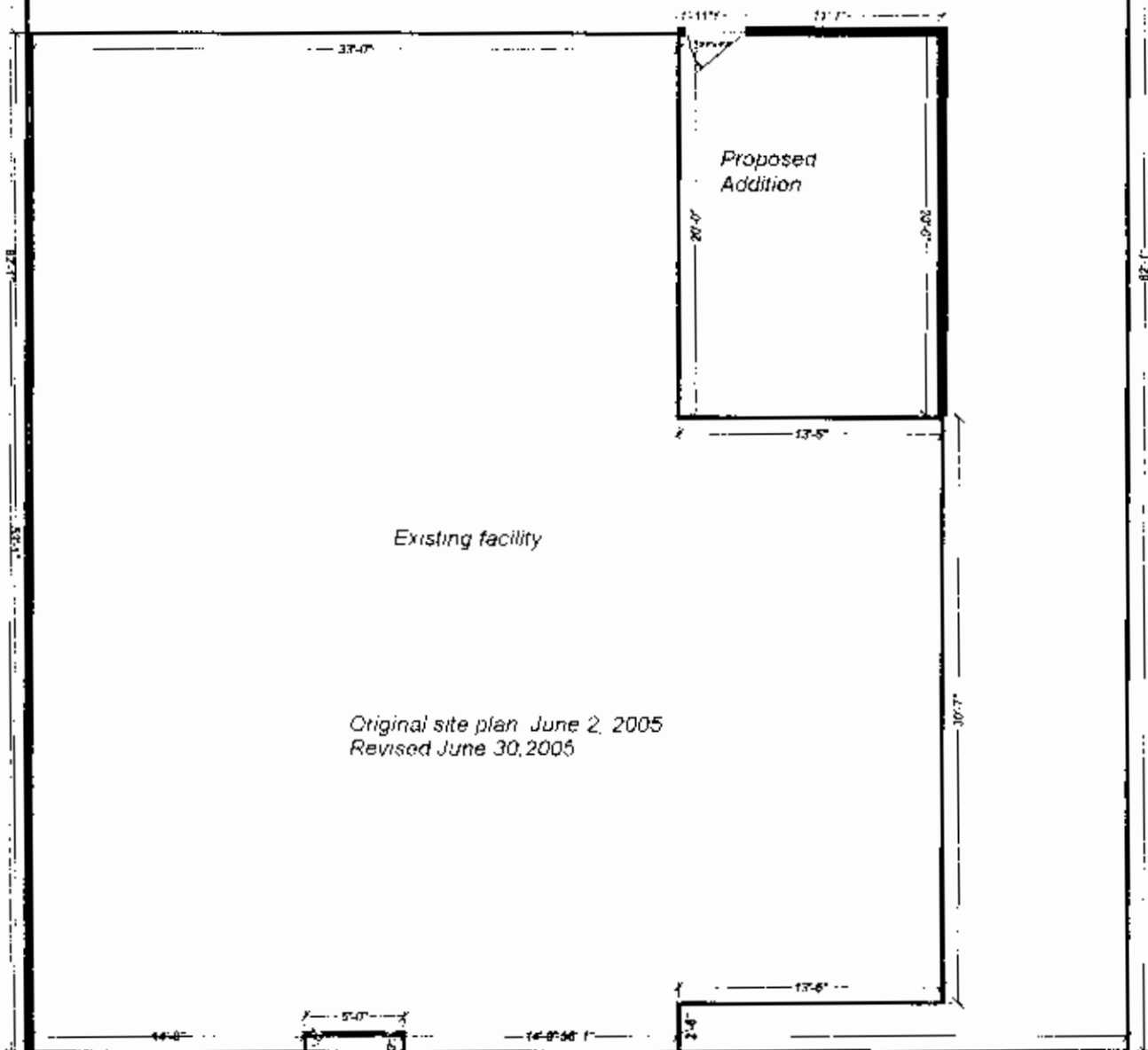
The only change in existing setbacks will be the relocation of the stairway to the rear of property

Rear setback 29'

Right setback 9'

Right sidebar 3

Down lighting
on this corner
of building



THOMAS J. GERDY
434-845-1111
FAX 434-845-0078

Gerdy Construction Company, Inc.
General Contractor

1022 Commerce Street
Suite 2A
Lynchburg, VA 24504
License # 2701-021255A

June 30, 2005

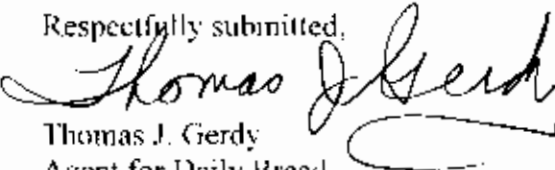
Project Number- CUP0506-0001
Project Name- Daily Bread
Site Address- 721 Clay Street

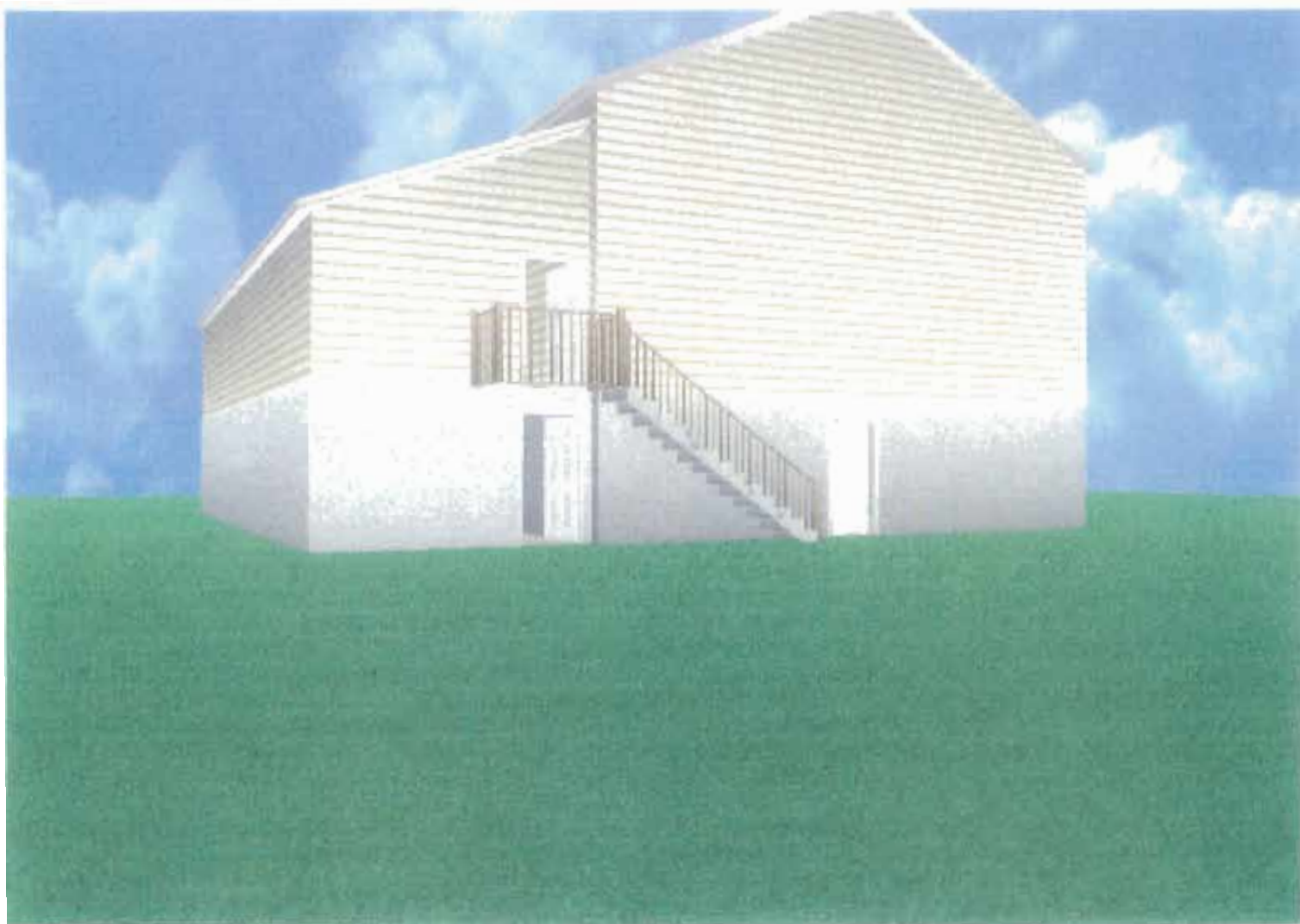
Re: Response to TRC requests

As presented to the TRC, the Daily Bread has been in need of additional space to prepare meals and additional pantry space for many years. This addition will fill those needs. Furthermore, this addition will help clean up the area to the rear of this building by enclosing the area under an existing wing.

1. E and S- The total land to be disturbed by the proposed work will be - 350 feet
2. Fire- Exhaust system will need to be modified
3. Neighbor Services- Exterior finishes will match existing
Lighting at the rear corner of building will be directed so as not to
affect neighboring properties
4. Utilities- No additional connections are planned and no new grease trap needed

Respectfully submitted,


Thomas J. Gerdy
Agent for Daily Bread



Lynchburg Daily Bread
721 Clay Street

July 13, 2005

PLEASE PRINT

[illegible]